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DIRECTOR

## County of San Diego

### DEPARTMENT OF PLANNING AND LAND USE

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### NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

December 1, 2011

NOTICE IS HEREBY GIVEN that the County of San Diego is proposing to adopt Negative Declaration(s) in accordance with the California Environmental Quality Act for the following project(s). The proposed Negative Declaration(s) can be reviewed on the World Wide Web at [http://www.sdcounty.ca.gov/dplu/ceqa\\_public\\_review.html](http://www.sdcounty.ca.gov/dplu/ceqa_public_review.html), at the Department of Planning and Land Use (DPLU), Project Processing Counter, 5201 Ruffin Road, Suite B, San Diego, California 92123 and the public libraries listed below. Comments on these proposed Negative Declaration(s) must be sent to the DPLU address listed above and should reference the project number and name.

**3803 11-004, LOG NO. ER 11-00-001; ZONING ORDINANCE UPDATE NO. 29 AND COUNTY CODE AMENDMENTS.** The project proposes amendments to the County of San Diego Zoning Ordinance, Administrative Code and County Code to make additions and make minor revisions, corrections and clarifications to various sections. The proposed amendments to the Zoning Ordinance, the Administrative Code and the County Code consist of the following:

Proposed amendments and additions to the Zoning Ordinance consist of the following:

- Section 1110: would add definitions of "Agricultural Tourism", "Community Garden", "Construction and/or Use of the Property In Reliance on a Permit", "Minor Deviation" and "Plot Plan" and would amend the definitions of "Accessory Use", "Flood, 10 Year", "Flood, 100 Year", "Groundwater Extraction Operation", "Living Area", "Site Plan" and "Street, Centerline of".
- Section 1350: would amend the "Major Impact Service and Utilities" Civic Use Type to include law enforcement training and military training uses on private property to the list of typical uses for clarification.

- Section 1425: would amend the “Animal Sales and Services” Commercial Use Type to clarify that Kennel use includes “dog day care” services and to add that boarding of animals or grooming of animals may be allowed as accessory to the Veterinary (Large Animals) and Veterinary (Small Animals) use types.
- Section 1490: would amend the “Gasoline Sales” Commercial Use Type to add retail sales of alternative vehicle fuels (including but not limited to natural gas (CNG) or biodiesel) to the description of the uses.
- Section 2990: would amend the Use Matrix pages to remove the S87 zone references to bring these pages into conformance with a previous ZO amendment.
- Section 3100: would amend the Animal Schedule to add a reference to the County Code which regulates the keeping of roosters.
- Section 3112: would amend the Animal Enclosure Setback Schedule to add a reference to the County Code which regulates the keeping of roosters.
- Section 3114: would amend the Kennel regulations to add that grooming services for the animals being boarded may be allowed as an incidental use subject to certain limitations.
- Section 4505: would amend the “Floor Area Ratio Designator Notation” provisions to add that floor-area ratio pursuant to the Land Use Element of the General Plan may be applicable to a property.
- Section 4600: would amend the Height Regulations as follows:
  - 4615: would amend the “Additional Story Permitted” provisions to amend the noticing requirement for an Administrative Permit to reference Section 7060.c to provide identical noticing requirements for all AD Permits.
  - 4630: would amend the Fencing provisions to make a minor correction to a reference to Section 6700.
- Section 5200: would amend the Scenic Area Regulations as follows:
  - 5205: would amend the “Site Plan Required” provisions to remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.
  - 5214: would amend the “Waiver of a Site Plan” provisions to remove the term “waiver” and replace with “Site Plan Permit Exemption”.
- Section 5250: would amend the Airport Land Use Compatibility Plan (ALUCP) Area Regulations to add a requirement that owners of properties within an Airport Overflight Notification Area, as shown on an adopted ALUCP, shall record an Overflight Agreement prior to issuance of a permit for any residential development.
- Section 5300: would amend the Sensitive Resource Area Regulations as follows:

5304: would amend the provisions regarding “Content of a Site Plan” to require that plans show the location of the 100 year floodplain as shown on the Department of Public Works 100 year Floodplain Maps and FEMA Flood Insurance Rate Maps.

5307: would amend the provisions of Use Regulations and Development Standards to amend the uses permitted in the Floodway to state that reclamation plans restore a site to its natural state and would not create any increase in flood depths or velocities or changes in the boundary from those of the floodway prior to the mineral extraction and would make minor revisions to the provisions of the Floodplain Fringe to clarify what is considered development for purposes of that subsection.

- Section 5710: would amend the Historical/Archaeological Landmarks and Districts provisions to remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.
- Section 5750: would amend the Community Design Review Area Regulations as follows:

5757: would remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

5799: would remove an incorrect reference to another section.

- Section 5905: would amend the Design Review Area Regulations to remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.
- Section 6100: would amend the Temporary Use Regulations as follows:

6106: would amend the provisions regulating the duration of a temporary circus, carnival, or other outdoor entertainment event to state that there shall be a minimum of 14 consecutive days between events.

6108: would amend the provisions regulating the duration of temporary gathering for a civic, fraternal or religious assembly to state that there shall be a minimum of 14 consecutive days between events.

6116: would amend the provisions regulating Temporary Uses in New Subdivisions to revise an incorrect reference to a section of the County Code.

6118: would amend the provisions regarding Use of a Trailer Coach, Residential Uses to remove the requirement that an owner furnish security in the amount of \$1,000 for the future removal of a temporary health care trailer.

- Section 6123: would amend the Meteorological Testing Facility regulations to amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.
- Section 6124: would amend the Temporary Outdoor Sales provisions to remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

- Section 6152: would amend the Accessory Uses Encompassed by Principal Use regulations to add clarification that it shall be unlawful to establish or maintain any accessory use and/or structure on any lot where there is no lawfully established principal use on the same lot.
- Section 6156: would amend the Accessory Residential and Agricultural Use Regulations as follows:
  - a. Attached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses: would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.
  - g. Detached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses (non business or non agricultural purposes): would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.
  - q. Roadside Sales of Agricultural Products: would amend the regulations to add a reference to California Code which allows sales of certain commodities.
  - u. Farm Employee Housing: would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.
  - x. Second Dwelling Units. Would amend the regulations to allow conversion of an existing accessory unit (established by a discretionary permit) to a Second Dwelling Unit and allow the discretionary permit to be rescinded if a Second Dwelling Unit is allowed by right on the property and would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.
  - y. Family Day Care Home For Children, Large (9 to 14 children): would correct a typographical error and would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.
  - z. Wind Turbine Systems, Small. Height: would amend the regulations to provide clarification for measurement of height of a system when it is mounted on the roof of a structure.
  - bb. Host Home: would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.
  - kk. Agricultural Tourism: would amend the Accessory Use regulations to add Agricultural Tourism on lots where there is a Commercial Agricultural Operation in the RR, A70, A72, S90 and S92 Use Regulations. Allowed activities would include U-Pick operations, on-site tours, on-site agricultural instruction or demonstrations, lectures or classes about agriculture related topics and participation in agricultural operations on the premises.

- Section 6158.a.2: would amend the regulations relating to Outdoor Café Seating and Sidewalk Cafés, Sidewalk Cafés Within the Public Right-of-Way to amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.
- Section 6207: would amend the “Special Purpose Off-Premise Sign” regulations as follows:
  - a. General Standards Applicable to Special Purpose Off-Premise Signs.
    - 2. Setbacks: would amend the setback provisions which states that no portion of any sign shall extend beyond private property lines into the street right-of-way, to add an exception for certain Community Identification Signs.
  - b. Special Purpose Off-Premise Sign Types.
    - 2. Community Identification Signs: would amend the regulations to add provisions to allow Community Identification Signs to be placed over a public road, subject to limitations and would remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.
    - 5. Commercial or Industrial Center Identification Signs: would remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.
- Section 6261: would amend the “On-Premise Signs Regulated” regulations as follows:
  - e. would remove the term “waiver” from the Site Plan provisions for “Lighting” and replace with “Site Plan Permit Exemption”.

6268: would remove the term “waiver” from the Site Plan provisions for Banners, Pennants and Similar Devices and replace with “Site Plan Permit Exemption”.
- Section 6324: would amend the Lighting Permitted in Required Yards to correct the reference to the County Light Pollution Code.
- Section 6708: would amend the Permitted Fences, Walls, Gates and Entry Structures as follows:
  - c. Tennis Court Fencing and Lighting: would clarify that lighting standards for tennis courts shall not exceed a height of 20 feet.
  - h. Exceptions.
    - 1. Fences, Walls and Gate Entry Structures on Individual Lots: would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.
    - 2. Gate Entry Structures and Gate Houses on Private Easements: would amend the noticing requirement for Administrative Permits to reference

Section 7060.c to provide identical noticing requirements for all AD Permits.

- Section 6799: would amend the Parking of Commercial Vehicles in Residential, Agricultural and Certain Special Purpose Zones to remove a reference to the California Vehicle Code.
- Section 6816: would amend the Enclosure Matrix to remove the reference to the S-87 zone.
- Section 6904: would amend the regulations related to Explosives Storage to remove the limitation of the approval of a Major Use Permit for a maximum of 5 years and add that a compliance report shall be submitted to the Director once every 5 years and as a result of review of the report the Director may determine that the use is in compliance with this section and all applicable conditions of approval or may determine that the use be reviewed by the Approving Authority.
- Section 6910.c: would amend the regulations relating to Small Wineries to correct a reference to the Safety Element of the General Plan and to amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.
- Section 6911: would amend the Emergency Shelter provisions to correct the reference to the County Light Pollution Code.
- Section 6912: would add regulations to allow Community Gardens in all zones where Row and Field Crops are permitted, subject to certain limitations.
- Section 6985: would amend the Wireless Telecommunications Facilities regulations to remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.
- Section 7060: would amend the Administrative Permit Procedure, Decision and Notice regulations to amend the Notice to Property Owners to provide identical noticing requirements for all AD Permits.
- Section 7150: would amend the Site Plan Review Procedure, as follows:
  - 7156: would amend the “Waiver of a Site Plan” regulations to remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption” and other minor revisions
  - 7168: would amend the “Expiration and Extension” regulations to allow the Director to grant one or more extensions of a Site Plan for 24 months rather than a total of 12 months.
- Section 7600: would amend the Supplementary Administrative Procedures as follows:
  - 7600: would amend the Title and Purpose to clarify that the regulations are applicable to Administrative Permits.

7609: would amend the "Minor Deviation from Plan" regulations to clarify the changes to a plan that may be approved with a Minor Deviation.

- Section 7703: would amend the Enforcement Procedures to add a subsection to the Violations and Penalties section to specify that the Director may issue a Cease and Desist Order whenever the Director finds any use regulated by this Ordinance being performed in a manner either contrary to the provisions of this Ordinance or not allowed by this Ordinance.
- Section 8203: would remove the term "waiver" from the Site Plan provisions and replace with "Site Plan Permit Exemption".
- Section 8303: would remove the term "waiver" from the Site Plan provisions and replace with "Site Plan Permit Exemption".

Proposed amendment to the Administrative Code consists of the following:

- Article XXXIII, SEC. 650. Establishment of Position: would clarify that this article which establishes the County Hearing Officer does not apply to Hearing Officers hired to hear appeals of recording of notices of violation, pursuant to San Diego County Code section 18.301 et seq.

Proposed amendments and additions to the County Code consist of the following:

- Section 18.207. Payment of Civil Penalties: would amend this section to require that civil penalties assessed shall be paid in full within 14 days from the date the Notice and Order is served rather than 45 days.
- Section 18.214. Procedures to Record Orders as Liens: would amend this section to state that a lien against property may be recorded unless the amount due is paid within 30 days, rather than 45 days, from the date of a notice and to add that a lien shall continue until the violations listed in the Administrative Enforcement Order are corrected.
- Sections 18.301 through 18.309 are added to Division 8, Administrative Remedies to establish a procedure for Recordation of Notices of Violation.
- Section 36.404. General Sound Level Limits, Table 36.404-Sound Level Limits in Decibels (dBA): would amend the table which refers to noise limitations based on zoning and density to reference the density of the Land Use Element of the General Plan.
- Section 78.102. Definitions, Abandoned Vehicle Abatement Division: would amend the definition of "Designated Employee" to make a correction that enforcement of this division is the duty of the Department of Planning and Land Use rather than the Department of Environmental Health.
- Section 78.109. Enforcement, Administration by Director of the Department of Environmental Health, Abandoned Vehicle Abatement Division: would amend this section to make a correction that enforcement and administration is the responsibility of the Director of Planning and Land Use rather than the Director of Environmental Health.

- Section 78.201. Authority to Remove Abandoned Vehicles on Public or Private Property, Abandoned Vehicle Abatement Division: would make a minor correction to a reference to a section of state code.
- Section 81.701. Design of Minor Subdivision: would make a minor correction to the reference to a Regional Category of the County General Plan.
- Section 81.805. Center Lines, Right-of-Way Lines, Proposed Road Widening Lines and Building Lines: would make a minor correction to the reference to an element of the General Plan.
- Section 87.112. Grading or Clearing within Open Space Easements: would make minor amendments to the language of this section.
- Section 91.1.001 Adoption of Administration Provisions, Section 91.1.114.6. Approval Required After Violation: would amend the regulations pertaining to a person who commences work without a permit in violation of this chapter to state that it shall be unlawful for a person to fail to obtain a certificate of occupancy within 180 days of the date of issuance of a building permit, it shall be unlawful for a person to occupy, use or maintain a building or structure until all inspections and approvals required by this chapter have been completed and it shall be unlawful for a person to fail to obtain an inspection once every ninety days after the issuance of a building permit.

The project is located within the County of San Diego which is in Southern California bordered to the west by the Pacific Ocean, to the east by Imperial County, to the north by Orange and Riverside Counties, and to the south by Mexico. The project covers the unincorporated portions of the County of San Diego over which the County has land use jurisdiction. Comments on this proposed Negative Declaration must be received no later than **January 17, 2012 at 4:00 p.m.** (a 45 day public review period).

This proposed Negative Declaration can also be reviewed at the following library branches: 4S Ranch, Alpine, Bonita, Borrego Springs, Campo, Casa de Oro, Crest Descanso, Fallbrook, Jacumba, Julian, Lakeside, Pine Valley, Potrero, Ramona, Rancho San Diego, Rancho Santa Fe, Spring Valley and Valley Center For additional information, please contact Heather Lingelser at (858) 495-5802 or by e-mail at [heather.lingelser@sdcounty.ca.gov](mailto:heather.lingelser@sdcounty.ca.gov).